

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

PEDRO GARCIA,

Plaintiff,

v.

M. JOHN BERRY,

Civil Action No. 2:09cv262

and

**UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT**

Defendants.

**PLAINTIFF GARCIA'S MOTION FOR LEAVE TO FILE
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Pedro Garcia respectfully moves for leave to file his motion for partial summary judgment out of time. The reasons offered in support of this motion are set forth in section II of "Memorandum of Law in Support of Plaintiff Garcia's Motion for Partial Summary Judgment and in Opposition to the Federal Defendants' Motion to Dismiss Count I for Failure to Prosecute, or in the Alternative, for Summary Judgment on Count I" at pages 2 and 3.

Respectfully submitted,

PEDRO GARCIA

By: _____ /s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/

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